

A bill for an act

relating to paternity; modifying limitations period for certain actions to declare the nonexistence of the father and child relationship; amending Minnesota Statutes 2008, section 257.57, subdivision 1, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 257.57, subdivision 1, is amended to read:

Subdivision 1. **Actions under section 257.55, subdivision 1, paragraph (a), (b), or (c).** A child, the child's biological mother, or a man presumed to be the child's father under section 257.55, subdivision 1, paragraph (a), (b), or (c) may bring an action:

(a) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c); or

(b) subject to subdivision 1a, for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c), only if the action is brought within two years after the person bringing the action has reason to believe that the presumed father is not the father of the child, but in no event later than three years after the child's birth. However, if the presumed father was divorced from the child's mother and if, on or before the 280th day after the judgment and decree of divorce or dissolution became final, he did not know that the child was born during the marriage or within 280 days after the marriage was terminated, the action is not barred until one year after the child reaches the age of majority or one year after the presumed father knows or reasonably should have known of the birth of the child, whichever is earlier. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

2.1 Sec. 2. Minnesota Statutes 2008, section 257.57, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 1a. **Certain actions involving marital presumption.** Notwithstanding
2.4 subdivision 1, paragraph (b), an action brought for the purpose of declaring the
2.5 nonexistence of the father and child relationship presumed under section 257.55,
2.6 subdivision 1, paragraph (a), (b), or (c), may be brought at any time if the court determines
2.7 that:

2.8 (1) the presumed father and the mother of the child did not cohabit or engage in
2.9 sexual intercourse with each other during the probable time of conception; and

2.10 (2) the presumed father never openly held out the child as his biological child.